

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TERRY E. STONE,

v.

MICHAEL J. ASTRUE, Commissioner of Social
Security

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3:06-1186

ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Knowles wherein he recommends that the Plaintiff's Motion for Judgment Upon the Administrative Record be denied and the decision of the Commissioner be affirmed.

Plaintiff has duly filed objections to the Report and Recommendation and the Commissioner has responded to those objections. Plaintiff's objections are:

1. The Administrative Law Judge and the Magistrate failed to give controlling weight to the opinion of Plaintiff's treating physician.

2. The Magistrate Judge found the decision of the Administrative Law Judge proper in not affording full credibility to Plaintiff's subjective complaints.

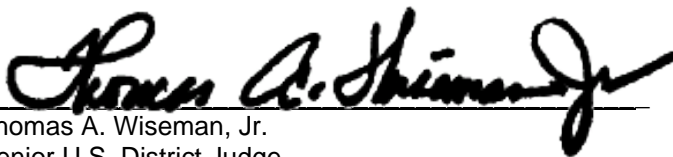
3. The Vocational Expert erred in identifying two jobs which the Plaintiff could perform and which existed in substantial numbers. The Magistrate Judge found this error to be harmless in that the other jobs the Vocational Expert identified were within the residual functional capacity of Plaintiff and existed in substantial numbers without consideration of the two erroneously listed jobs.

4. The Magistrate Judge found the additional records submitted by Plaintiff's new treating physician to be "not material" and therefore not requiring a remand.

The Magistrate Judge considered each of these objections at length in his Report and Recommendation. This Court finds the objections without merit for the reasons set forth in the Report and Recommendation. The Report and Recommendation is adopted as the findings of fact and conclusions of

law of the Court. The Motion for Judgment of Plaintiff, Document #14, is **DENIED**, and the decision of the Commissioner is **AFFIRMED**.

It is so **ORDERED**.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge